Implementation of the European Social Dialogue Agreement on Workers Health Protection through the Good Handling and Use of Crystalline Silica and Products Containing it

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4th Atlantic Alliance Conference, Tegernsee
April 20th - 23rd, 2007
What place for social dialogue at EU level?

From informal relations to a strong institutional recognition...

**ART 138 of the EC Treaty**

The Commission must:
- promote consultation of the social partners at community level
- take every useful measure to facilitate their dialogue.

On the occasion of a consultation, social partners can engage into a dialogue under art. 139.

**ART 139 of the EC Treaty**

The Community level dialogue between the social partners can lead, if they wish so, to collective bargaining, including agreements.

The implementation can be made either through an EU instrument or through national channels.

At the social partners’ request: EU Directive

Autonomous agreements
Actors, structures and acts

European cross-industry social partners (e.g. BUSINESS EUROPE – ETUC)

European sectoral associations recognised as social partners (e.g. IMA-Europe – EMCEF)

Capacity to act in a voluntary, autonomous and responsible way within adequate structures: Social Dialogue Committees

1 Cross-industry social dialogue committee

33 sectoral social dialogue committees

Framework Agreements, autonomous agreements, guidelines and codes of conduct, policy orientations, joint opinions, declarations…
25 April 2006 - NEPSI Signature Ceremony

This initiative benefited from a grant of the EC
An innovative Agreement

- **Fourth Autonomous SDA** after telework (2002), European licence for drivers carrying out a cross-border interoperability service (01/2004), and work-related stress (10/2004) Agreements

- **First multisectoral** European Agreement

- **First** Agreement also signed by **non-social partners** having successfully been scrutinised by the EC as representative of their sector

- **First** Agreement to be supported by a structured reporting process through a Council set up by the Parties

- **First** European Agreement **published in the Official Journal of the EU** (17 Nov. 2006, section C)
Aggregates (UEPG), Cement (Cembureau), Industrial Minerals (IMA-Europe), Mines (Euromines), Natural Stones (EuroRoc), Ceramics (Cerame-Unie), Foundry (CAEF/CEEMET), Glass fibre (APFE), Special (ESGA), Container (FEVE) & Flat Glass (GEPVP), Mineral Wool (EURIMA), Mortar (EMO), and Pre-cast Concrete (BIBM)

with their Unions’ representatives (EMCEF & EMF)
Principles of the Agreement

Carry out an INITIAL RISK ASSESSMENT
Based on the results of personal DUST EXPOSURE MONITORING

Implement Good Practices (collective and if necessary personal protection measures)

Provide information, instruction and training to the workforce

Organise health surveillance

Monitor the application of the Agreement & Good Practices (site level)

REPORT on the application of the Agreement to a Council
European Implementation
Application of the Agreement

- **Compliance** with H&S European and national standards and directives which remain applicable at all times

- **Quantitative, bottom-up reporting** thanks to a form to be filled-in once every 2 years at site level and consolidated at company, country and sector levels, KEY PERFORMANCE INDICATORS

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<th>Risk Assessment &amp; Dust Monitoring</th>
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Signature 25/04/2006
Entry into force 25/10/2006
First Report on application June 2008
From a negotiation platform to the European Network on Silica…

NEPSI Council to supervise application and interpretation

Signatories to apply the Agreement

NEPSI Secretariat to assist the Council (IMA-Europe)
In the meantime... Keep the momentum going

NEPSI Secretariat and Signatory associations to:

► Disseminate (translation into 20 languages)
► Advertise (www.nepsi.eu)
► Explain (joint promotion, training and guidance tools)
► Structure (online reporting software)
► Qualitative preliminary reporting on the status of implementation in June 2007 at national and sector (EU) levels
The European Network on Silica

WELCOME TO THE NEPSI WEBSITE!

Crystalline silica (SiO₂) is an essential component of materials which have an abundance of uses in industry and are vital in many products and objects we use everyday: it is impossible to imagine houses without bricks, mortar or windows, cars without engines or windscreen, life without roads or other transport infrastructures and everyday items made of glass or pottery.

Although crystalline silica is ubiquitous in nature, the inhalation of fine dust containing a proportion of it may constitute a hazard that is limited to the workplace. Considering that such an exposure can be controlled, the main industries concerned by possible exposures to respirable crystalline silica agreed on appropriate and credible measures for the improvement of working conditions.

NEPSI is the acronym for the resulting European Network for Silica formed by the Employee and Employer European sectoral associations having signed the Social Dialogue "Agreement on Workers' Health Protection Through the Good Handling and Use of Crystalline Silica and Products Containing it" on 25 April 2006, representing 14 industry sectors i.e. more than 2 million employees and a business exceeding € 250 billion.

The 17 signatory organisations to date represent the aggregates, cement, ceramics, foundry, glass fibre, special glass, container glass, flat glass, industrial minerals, mineral wool, natural stones, mining, mortar and pre-cast concrete sectors. The Agreement remains open for further signatures.

INTRODUCTION TO SOCIAL DIALOGUE

Art. 139 of the EC Treaty provides the possibility for management and labour to enter into contractual relations and notably to sign European Social Dialogue Agreements. Originally, joint social partners committees were established by the EC as consultative bodies, allowing relations between European representatives of workers and employers to adopt non-binding resolutions, declarations and joint opinions within these social partners...
National Implementation
Under Article 139 (1) & (2) EC Treaty, a European SDA creates a contractual relationship between management and labour i.e. binding to the EU the signatories and those who gave them a mandate

As an autonomous SDA, the Silica agreement requires:

- Implementation in accordance with the procedures and practices specific to management and labour in the MS (national industrial relations systems)

  Possibility to transpose the Agreement as it is at national level (e.g. inclusion in collective bargaining agreements)
A challenge: Results and Expectations

What cannot be expected

100% coverage

Same tool in each Member States

What the EC expects

Coverage by all signatory parties

Respect of national industrial relations traditions

Action in each Member State

27 different industrial relations systems
2nd Meeting of the German BGs and representatives of the NEPSI signatories, Employees and Employers (19 March 2007)

- Establishment of a workplan for training sessions to be organised by mining, ceramics and metals BGs
- NEPSI Q/A to be translated into German
- National helpdesk to be provided by the BDI
- BG version of the Good Practice Guide to be printed in April
- Protocol for a system to share common German NEPSI concerns between representatives and with NEPSI secretariat to be established
Cross sectoral project dedicated to making a handbook on how to implement good practices,

Especially help to small companies,

The handbook is planned to be ready in April 2008
NIS¹ recognised the Agreement and the Good Practice Guide as necessary

Will propose additional task sheets

NIS could monitor the Italian application (award)

Trade Unions’ representatives require formal reference to the Agreement in the text of National Collective Agreements (Contratti Collettivi Nazionali del Lavoro).

NEPSI guidance and training tools translated into Italian

Sectors’ training of the management level

In May NIS organises a conference on Silica: NEPSI Secretariat has been invited to introduce the status of implementation

(1) Network Italiano Silice, part of INAIL: Istituto nazionale per l’assicurazione contro gli infortuni sul lavoro
HSE representatives were observers in the SDA Agreement negotiation meetings

The Annex 1 of the SDA – Good Practice Guide Task Sheets were inspired by HSE’s COSHH¹ Silica Essentials sheets

• No established arrangements for agreements at national level between the main employers and trade unions

• Collective bargaining is highly decentralised and limited in its coverage

• HSE chairs a twice-yearly “Quarries National Joint Advisory Committee” that includes representation from Trade Associations ( Employers); Trades Unions; Professional organisations; Educational establishments; the national training body for the Extractives Industry; etc. etc.

¹ Control of substances hazardous to health
Company Implementation
Setting-up a management system

**CURRENT SITUATION**
Initial risk assessment incl. existing control measures *(places and persons potentially at risk)*

**DUST EXPOSURE MONITORING**
Comparison with relevant OEL *(persons at risk)*

Identify **ADDITIONAL CONTROL MEASURES** *(Good Practice Guide)*

**EMPLOYER**

TRAINING, HEALTH SURVEILLANCE

**EMPLOYEE**

incl. contactor, temporary, ...

APPLY
ATTEND, COMMUNICATE, COLLABORATE

External / Internal training provider
Occupational Hygienist

21 April 2007
Tools provided in the Agreement

- **Management/Supervision**: Task Sheet 2.1.17
- **Training**: Task Sheet 2.1.19
- **Personal Protective Equipment**: Task sheet 2.1.15
- **Dust Monitoring**: Task Sheet 2.1.6 & Annex 2
- **Health Surveillance**: Annex 8
- **Risk Assessment Procedure**: Part I, Chapter 4 of the Good Practice Guide
- **Reporting format**: Annex 3
- **Working with contractors**: Task Sheet 2.1.20
The agreement remains open for further signature by sectors not yet involved.

While it is only applicable in the European Union the good practices developed in the GPG may obviously be voluntarily implemented worldwide.

Some signatory companies & Norway have announced that they are considering to do so.
The Agreement and Good Practice Guide in 20 languages at
http://ec.europa.eu/employment_social/social_dialogue/index_en.htm

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All documents & tools at

NEPSI website
http://www.nepsi.eu
Thank you for your attention

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This initiative benefits from a grant of the EC